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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,841	06/27/2003	Michael J. Sullivan	20002.0269A	4816

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EXAMINER

LEE, EDMUND H

ART UNIT PAPER NUMBER

1732

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,841

Applicant(s)

SULLIVAN ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/24/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris et al (USPN 6620363). Farris et al teach the claimed process as evidenced by col 7, ln 45-col 8, ln 21.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohama (USPN 6139447) in view of Farris et al (USPN 6620363). In regard to claim 1, Ohama teaches the basic claimed process including a method of making a golf ball having one or more layers (col 4 lns 24-30 and 59-63; col 5, lns 15-24; figs 1-2); forming at least one layer of a the golf ball from material comprising a base rubber

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material and one or more pre-vulcanized or pre-crosslinked materials (col 4 lns 24-30 and 59-63; col 5, lns 15-24; figs 1-2), wherein the pre-vulcanized or pre-crosslinked materials comprise greater than about 60 parts or one or more pre-vulcanized or pre-crosslinked material per 100 parts of base rubber material in the layer (col 4 lns 24-30 and 59-63; col 5, lns 15-24; figs 1-2); and subjected the at least one layer to vulcanization conditions (col 4 lns 24-30 and 59-63; col 5, lns 15-24; figs 1-2). Ohama, however, does not teach subjecting the at least one layer to a high pressure, high temperature sintering process. Farris et al teaches subjecting a golf ball core of reprocessed rubber to high pressure, high temperature sintering conditions (col 7, ln 45- col 8, ln 21). Ohama and Farris et al are combinable because they are analogous with respect to forming at least one later of a golf ball from reprocessed rubber. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to subject the at least one layer of Ohama to the high pressure and high temperature conditions of Farris et al in order to produce a strong and durable product. In regard to claims 2-5, such are taught by Ohama (col 4 lns 24-30 and 59-63; col 5, lns 15-24; figs 1-2). In regard to claims 6-12, such limitations are a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed materials and ball characteristics are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed material or form a ball having the claimed characteristics by the process of Ohama in order to form a diverse ball.

5. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al (USPN 6620363) in view of Ohama (USPN 6139447). The above teachings of Farris et al are incorporated hereinafter. Farris et al, however, do not teach forming a 1 piece golf ball; and using the claimed material. Ohama teaches forming a 1 piece golf ball from reprocessed rubber (col 4 lns 24-30 and 59-63; col 5, lns 15-24; figs 1-2); and using the claimed material (col 4 lns 24-30 and 59-63; col 5, lns 15-24; figs 1-2). Farris et al and Ohama are combinable because they are analogous with respect to forming at least one layer of a golf ball from reprocessed rubber. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a 1 piece golf ball and use the materials as taught by Ohama by the process of Ohama in order to form a strong and durable golf ball.

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al (USPN 6620363) in view of Ohama (USPN 6139447). The above teachings of Farris et al are incorporated hereinafter. Farris et al, however, do not teach forming a 1 piece golf ball; using the claimed material; and forming a golf ball having the claimed characteristics of claim 19.. Ohama teaches forming a 1 piece golf ball from reprocessed rubber (col 4 lns 24-30 and 59-63; col 5, lns 15-24; figs 1-2); and using the claimed material (col 4 lns 24-30 and 59-63; col 5, lns 15-24; figs 1-2). Farris et al and Ohama are combinable because they are analogous with respect to forming at least one layer of a golf ball from reprocessed rubber. Thus, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to form a 1 piece golf ball and use the materials as taught by Ohama by the process of Ohama in order to form a strong and durable golf ball. In regard to forming a golf ball having the claimed characteristics of claim 19, such limitations are a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed ball characteristics are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a ball having the claimed characteristics by the process of Farris et al in order to form a diverse ball.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EHL

EDMUND H. LEE  
Primary Examiner  
Art Unit 1732

  
10/16/08